

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAUL GONZALES,
Petitioner,
v.

CALVIN JOHNSON, *et al.*,
Respondents.

Case No. 2:21-cv-02055-GMN-DJA

ORDER

On November 15, 2021, the Court received for filing from Raul Gonzales, who is incarcerated at High Desert State Prison, in Indian Springs, Nevada, a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 8), an application to proceed in forma pauperis (ECF No. 1) and a motion for appointment of counsel (ECF Nos. 9, 10). On November 17, 2021, the Court denied the in forma pauperis application as moot because Gonzales paid the filing fee, screened the habeas petition and ordered it served on the respondents, and granted Gonzales' motion for appointment of counsel and appointed as his counsel the Federal Public Defender for the District of Nevada. See Order entered November 17, 2021 (ECF No. 7). Appointed counsel appeared for Gonzales on November 18, 2021 (ECF No. 13). Respondents have not yet appeared; they have until December 17, 2021, to do so. See Order entered November 17, 2021 (ECF No. 7) (30 days for appearance).

On November 17, 2021, Gonzales, now with counsel, filed a motion for leave to file a first amended petition, with the proposed first amended petition and supporting exhibits attached (ECF Nos. 14, 14-1, 14-2 through 14-19). On that same date, Gonzales also filed a motion requesting that the Court enter a scheduling order, and

1 that the scheduling order provide time for him to file a second amended habeas petition
2 (ECF No. 15).

3 Good cause appearing, the Court will grant both of Gonzales' motions. The Court
4 will order the first amended petition and supporting exhibits filed. The Court will issue a
5 scheduling order, which will, among other provisions, provide for the filing of a second
6 amended petition, after Respondents appear.

7 Nothing in this order is meant to suggest the Court's opinion regarding the date
8 of expiration of any applicable statute of limitations, and nothing in this order is meant to
9 extend or toll any applicable limitations period.

10 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File First
11 Amended Protective Petition (ECF No. 14) is **GRANTED**. The Clerk of the Court is
12 directed to separately file Petitioner's First Amended Petition for Writ of Habeas Corpus
13 (ECF No. 14-1) and Petitioner's Exhibits (ECF No. 14-2 through 14-19).

14 **IT IS FURTHER ORDERED** that Petitioner's Motion for Scheduling Order (ECF
15 No. 15) is **GRANTED**. The Court will issue a scheduling order, which will, among other
16 provisions, provide for the filing of a second amended petition, after Respondents
17 appear.

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19 DATED THIS 19 day of November, 2021.

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23 GLORIA M. NAVARRO,
24 UNITED STATES DISTRICT JUDGE
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